

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
YOEL WEISSHAUS on behalf of himself and
all other similarly situated consumers,

Plaintiffs,

-against-

**ANSWER TO AMENDED
COMPLAINT**
18-cv-10363-CS

COLLECTION BUREAU OF THE
HUDSON VALLEY, INC. also known as
CBHV,

Defendant.

-----X
Defendant, COLLECTION BUREAU OF THE HUDSON VALLEY, INC., also known
as CBHV ("Defendant") by its attorneys, BARRON & NEWBURGER, P.C., answers plaintiff's
Amended Complaint as follows:

1. Defendant denies knowledge and information sufficient to form a
belief as to the allegations contained in paragraph "1" of the Amended Complaint.
2. Defendant admits the allegations contained in paragraph "2" of the Amended
Complaint.
3. Defendant admits the allegations contained in paragraph "3" of the Amended
Complaint.
4. Defendant admits the allegations contained in paragraph "4" of the Amended
Complaint.
5. Defendant admits the allegations contained in paragraph "5" of the Amended
Complaint.
6. Defendant acknowledges being sued pursuant to the Fair Debt Collection Practices
Act (FDCPA) but denies any violation thereof.

7. This paragraph contains no factual allegations directed against the defendant and does not require admission or denial.

8. This paragraph contains no factual allegations directed against the defendant and does not require admission or denial.

9. This paragraph contains no factual allegations directed against the defendant and does not require admission or denial.

10. This paragraph contains no factual allegations directed against the defendant and does not require admission or denial.

11. This paragraph contains no factual allegations directed against the defendant and does not require admission or denial.

12. This paragraph contains no factual allegations directed against the defendant and does not require admission or denial.

13. Defendant denies each and every allegation contained in paragraph “13” of the Amended Complaint.

14. Defendant denies each and every allegation contained in paragraph “14” of the Amended Complaint.

15. Defendant admits the allegations contained in paragraph “15” of the Amended Complaint.

16. Defendant admits the allegations contained in paragraph “16” of the Amended Complaint.

17. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in paragraph “17” of the Amended Complaint.

18. Defendant denies each and every allegation contained in paragraph “18” of the Amended Complaint.

19. Defendant denies each and every allegation contained in paragraph “19” of the Amended Complaint.

20. Defendant denies each and every allegation contained in paragraph “20” of the Amended Complaint.

21. Defendant denies each and every allegation contained in paragraph “21” of the Amended Complaint.

22. Defendant admits the allegations contained in paragraph “22” of the Amended Complaint.

23. Defendant denies each and every allegation contained in paragraph “23” of the Amended Complaint.

24. Defendant acknowledges sending the letter identified Exhibit “A” to the Amended Complaint and would refer the Court to the Exhibit for its exact wording.

25. Defendant denies each and every allegation contained in paragraph “25” of the Amended Complaint.

26. Defendant denies each and every allegation contained in paragraph “26” of the Amended Complaint.

27. Defendant denies each and every allegation contained in paragraph “27” of the Amended Complaint.

28. Defendant denies each and every allegation contained in paragraph “28” of the Amended Complaint.

29. Defendant denies each and every allegation contained in paragraph “29” of the Amended Complaint.

30. Defendant denies knowledge and information sufficient to form a belief as to the allegations contained in paragraph “30” of the Amended Complaint.

31. Defendant denies each and every allegation contained in paragraph “31” of the Amended Complaint.

32. Defendant denies each and every allegation contained in paragraph “32” of the Amended Complaint.

33. Defendant denies each and every allegation contained in paragraph “33” of the Amended Complaint.

34. Defendant acknowledges plaintiff’s efforts to bring this matter as a class action but denies any violation of the Fair Debt Collection Practices Act and denies that this matter is suitable for class certification.

35. Defendant acknowledges plaintiff’s efforts to bring this matter as a class action but denies any violation of the Fair Debt Collection Practices Act and denies that this matter is suitable for class certification.

36. Defendant acknowledges plaintiff’s efforts to bring this matter as a class action but denies any violation of the Fair Debt Collection Practices Act and denies that this matter is suitable for class certification.

37. Defendant acknowledges plaintiff’s efforts to bring this matter as a class action but denies any violation of the Fair Debt Collection Practices Act and denies that this matter is suitable for class certification.

38. Defendant acknowledges plaintiff's efforts to bring this matter as a class action but denies any violation of the Fair Debt Collection Practices Act and denies that this matter is suitable for class certification.

39. Defendant denies each and every allegation contained in paragraph "39" of the Amended Complaint.

40. Defendant denies each and every allegation contained in paragraph "40" of the Amended Complaint.

41. Defendant denies each and every allegation contained in paragraph "41" of the Amended Complaint.

42. Defendant denies each and every allegation contained in paragraph "42" of the Amended Complaint.

43. Defendant denies each and every allegation contained in paragraph "43" of the Amended Complaint.

44. Defendant denies each and every allegation contained in paragraph "44" of the Amended Complaint.

45. Defendant denies each and every allegation contained in paragraph "45" of the Amended Complaint.

46. Defendant denies each and every allegation contained in paragraph "46" of the Amended Complaint.

47. Defendant denies each and every allegation contained in paragraph "47" of the Amended Complaint.

48. Defendant denies each and every allegation contained in paragraph "48" of the Amended Complaint.

49. Defendant denies each and every allegation contained in paragraph “49” of the Amended Complaint.

50. Defendant denies each and every allegation contained in paragraph “50” of the Amended Complaint.

51. Defendant repeats and realleges its previous admissions and denials contained in paragraphs “1” through “50” of the Amended Complaint.

52. Defendant denies each and every allegation contained in paragraph “52” of the Amended Complaint.

53. Defendant denies each and every allegation contained in paragraph “53” of the Amended Complaint.

54. Defendant denies each and every allegation contained in paragraph “54” of the Amended Complaint.

55. Defendant denies each and every allegation contained in paragraph “55” of the Amended Complaint.

56. Defendant denies each and every allegation contained in paragraph “56” of the Amended Complaint.

57. Defendant denies each and every allegation contained in paragraph “57” of the Amended Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

1. Plaintiff’s claim fails to state a cause of action.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

2. Plaintiff’s claim is barred in whole, or in part, by the applicable statute of limitations for the Fair Debt Collection Practices Act.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

3. The collection letter from defendant to the plaintiff, attached to the Amended Complaint as Exhibit "A", was not the initial communication to the plaintiff and thus, can't violate 15 U.S.C. §1692g.

WHEREFORE, defendant, COLLECTION BUREAU OF THE HUDSON VALLEY, INC., a/k/a CBHV, respectfully request that plaintiff's Amended Complaint be dismissed.

Dated: New City, New York
February 19, 2019



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